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REMARKS

Claims 1-11 are pending in the application. Applicant amends claims 1 and 8-9 for clarification, and refers to page 13, lines 16 to page 14, lines 28 of the specification for exemplary embodiments of and support for the claimed invention. No new matter has been added.

Claims 1-7 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection.

The Examiner cited Fig. 4 of the application as allegedly showing that the rejected claims are directed to non-statutory subject matter. Applicant respectfully points out that Fig. 4 illustrates an ATM switching unit 30 that includes a switch part 31 and an application part 32. And the rejected claims recite interaction of various parts of a connection data change device with an associated switching unit, exemplary embodiments of which are illustrated in Fig. 4. Indeed, MPEP 2106.01(I) states that,

“[c]omputer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory.” (Emphasis added)

And, correspondingly, the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility states,

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"[n]ote that an apparatus claim with process steps is not classified as a 'hybrid' claim; instead, it is simply an apparatus claim including functional limitations. See, e.g., R.A.C.C. Indus. v. Stun-Tech, Inc., 178 F.3d 1309 (Fed. Cir. 1998) (unpublished)."

Thus, claims 1-7 properly recite functional limitations of a device, and are directed to statutory subject matter. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 101 rejection.

Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,597,689 to Chiu et al. Applicant amends claims 1 and 8-9 in a good faith effort to clarify the invention as distinguished from the cited reference, and respectfully traverse the rejection.

The Examiner maintained the rejection by citing, among others, a PVC manager 465 that "is responsible for setting up, maintaining and releasing PVC's between the subscriber port and the WAN port ... of an IMAS access network according to NMS requests." Col. 64, lines 38-43 of Chiu et al. Such portions of Chiu et al., again, only include description of releasing and setting up PVC's, and, therefore, fail to disclose the claimed feature of changing the type of a connection to an external switching unit in the connection data after the connection to the external switching unit is set up.

In other words, Chiu et al., as cited and relied upon by the Examiner, fail to disclose,

"[a] connection data change device, comprising:
a connection data management part configured to store and manage connection data on a connection of an associated switching unit, in which the connection data change device is provided, with an external switching unit; and
a change operation part configured to change a type of the connection of the associated switching unit with the external switching unit in the connection data,
wherein said change operation part changes the type of the connection to the external switching unit from a variable connection type to a fixed connection type in the connection data

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upon receiving a request to change the type of the connection to the external switching unit in the connection data after the connection of the variable connection type to the external switching unit is dynamically set up, and

the connection data management part stores information on the connection of the variable connection type after the change operation part changes the type of the connection from the variable connection type to the fixed connection type in the connection data," as recited in claim 1. (Emphasis added)

The claimed invention provides for changing the connection type in connection management data from a dynamic connection to a static connection, an exemplary embodiment of which is illustrated by step S40 in Fig. 7. And the claimed invention provides for storing the dynamic information set in the dynamic connection, an exemplary embodiment of which is illustrated by step S50 in Fig. 7. Thus, advantageously, the claimed invention provides for realizing "an operation process at the time of a static connection change ... by an operation process at the time of a dynamic connection change, thus simplifying an operation at the time of a connection change." Page 14, lines 24-28 of the specification.

Accordingly, Applicants respectfully submit that claim 1, together with claims 2-7 dependent therefrom, is patentable over Chiu et al. for at least the foregoing reasons. Claims 8-9 incorporate features that correspond to those of claim 1 cited above, and are, therefore, together with claims 10-11 dependent from claim 9, patentable over Chiu et al. for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

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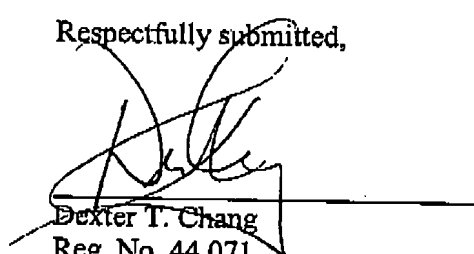
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Respectfully submitted,



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